



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,809	03/30/2005	Hiroyasu Onuki	44471/314245	6250

23370 7590 06/29/2007
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

EXAMINER

SHAHER, RICKY D

ART UNIT	PAPER NUMBER
----------	--------------

2872

MAIL DATE	DELIVERY MODE
-----------	---------------

06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,809

Applicant(s)

ONUKE, HIROYASU

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2872

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishizaki ('020).

Ishizaki discloses a mirror device for a vehicle comprising a hollow shaft (2) that is provided with a mirror base (1) fixed to a vehicle body, a housing (5) which houses a motor (7) for swinging a mirror unit (3) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (6) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted into the housing, and an end portion cover (EP) which extends in a first direction substantially perpendicular to the axial direction of the shaft and has a first end at a tip of the cylindrical portion and a second end at a point which covers a penetration end surface of the shaft (see Fig. 1), wherein the cylindrical portion is rotatable relative to the shaft in such a manner as to be in contact with the shaft (see Fig. 1), wherein the end portion cover and the penetration end surface are configured to define a space therebetween in the axial direction of the shaft, in such a manner as to be free from contact therebetween, and the first end and second end of the end portion cover are aligned on a line substantially parallel to the axial direction of the shaft, and wherein the shaft defines an inner cylindrical face which extends to the penetration end surface of the shaft and wherein the end portion cover is part of the cover that covers the

Art Unit: 2872

motor. Note Fig. 1 along with the associated description thereof.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki ('020) in view of Oesterholt et al ('514).

Ishizaki discloses a mirror device for a vehicle comprising a hollow shaft (2) that is provided with a mirror base (1) fixed to a vehicle body, a housing (5) which houses a motor (7) for swinging a mirror unit (3) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (6) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted into the housing, and an end portion cover (EP) which extends in a first direction substantially perpendicular to the axial direction of the shaft and has a first end at a tip of the cylindrical portion and a second end at a point which covers a penetration end surface of the shaft (see Fig. 1), wherein the cylindrical portion is rotatable relative to the shaft in such a manner as to be in contact with the shaft (see Fig. 1), wherein the end portion cover and the penetration end surface are configured to define a space therebetween in the axial direction of the shaft, in such a manner as to be free from contact therebetween, and the first end and second end of the end portion cover are aligned on a line substantially parallel to the axial direction of the

Art Unit: 2872

shaft, and wherein the shaft defines an inner cylindrical face which extends to the penetration end surface of the shaft and wherein the end portion cover is part of the cover that covers the motor, note Fig. 1 along with the associated description thereof, except for explicitly stating that the cylindrical portion and the end portion cover form substantially an L-shape in cross section.

Oesterholt et al teaches it is well known to use covers having a cylindrical portion which extends in an axial direction of a shaft (101) and an end portion cover which extends in a first direction substantially perpendicular to the axial direction of the shaft, wherein the cylindrical portion and the end portion form substantially an L-shape in cross section (see Fig. 4) in the same field of endeavor for the purpose of obtaining a seal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cylindrical portion and the end portion of Ishizaki to include a L-shape configuration in cross section, as taught by Oesterholt et al, in order to reduce space and the manufacturing costs.

5. Claims 2, 9, 10 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki ('020) in view of Oesterholt et al ('514).

Ishizaki discloses a mirror device for a vehicle comprising a hollow shaft (2) that is provided with a mirror base (1) fixed to a vehicle body, a housing (5) which houses a motor (7) for swinging a mirror unit (3) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (6) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted into the housing, and an end portion cover (EP) which extends in a first

Art Unit: 2872

direction substantially perpendicular to the axial direction of the shaft and has a first end at a tip of the cylindrical portion and a second end at a point which covers a penetration end surface of the shaft (see Fig. 1), wherein the cylindrical portion is rotatable relative to the shaft in such a manner as to be in contact with the shaft (see Fig. 1), wherein the end portion cover and the penetration end surface are configured to define a space therebetween in the axial direction of the shaft, in such a manner as to be free from contact therebetween, and the first end and second end of the end portion cover are aligned on a line substantially parallel to the axial direction of the shaft, and wherein the shaft defines an inner cylindrical face which extends to the penetration end surface of the shaft and wherein the end portion cover is part of the cover that covers the motor, note Fig. 1 along with the associated description thereof, except for explicitly stating that the end portion extends in a first direction more inwardly than the inner cylindrical face of the shaft.

Oesterholt et al teaches it is well known to use covers having a cylindrical portion which extends in an axial direction of a shaft (101) and an end portion cover having an inclined tip which extends in a first direction more inwardly than the inner cylindrical face of the shaft, wherein the cylindrical portion and the end portion form substantially an L-shape in cross section (see Fig. 4) in the same field of endeavor for the purpose of obtaining a seal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end portion cover of Ishizaki to include an end portion cover having an inclined tip which extends in a first direction more inwardly than the inner cylindrical face of the shaft, as taught by Oesterholt et al, in order to prevent debris from entering the motor mechanism.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Application/Control Number: 10/529,809

Page 7

Art Unit: 2872

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

June 24, 2007

Randy D. Shaffer
RANDY D. SHAFFER
PATENT EXAMINER
ART UNIT 2872